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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,984	08/30/2000	Martin Joseph Kaplan	1156a	1263

28004 7590 12/18/2003
SPRINT
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

EXAMINER

WONG, BLANCHE

ART UNIT PAPER NUMBER

2667

DATE MAILED: 12/18/2003

*Restored
Date*

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/650,984

Applicant(s)

KAPLAN ET AL.

Examiner

Blanche Wong

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☒ Claim(s) 14-26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. It is noted that in a response (Practitioner's Docket No. 1156; received March 17, 2000) to an office action dated October 7, 1999, for the parent patent Kaplan et al. (U.S. Pat No. 6,141,339) that there were typographical corrections. The same still applies to this applicant given that the specifications are alike in order to keep the consistency between the parent patent and continuation application. For example: On pg. 1, ln. 16, provides should be provide. On pg. 5, ln. 25, before "DSL", please add Current.
2. It is noted there are typographical errors in the claims, such as in claim 3, p.27, ln. 19, "off-hoof" should be "off-hook."

Specification

3. The abstract of the disclosure is objected to because it uses the same wording as in Pat No. 6,141,339. Because the scopes of the previous patent and this application are different, the abstract should reflect the differences. Correction is required. See MPEP § 608.01(b).
4. Claim 14-26 objected to because of the following informalities: misplaced location phrases that might confuse the subject in the claims between an apparatus and a method. Appropriate correction is required.

Location phrases does not appear consistently, and only in some claims and not others. Location phrases include in claim 20, p.30, ln. 5-6, "wherein one of the communication interfaces comprises the computer interface;" in claim 23, p.30, ln. 15-16, "wherein one of the communication interfaces comprises the Java interface;" in

claim 24, p.30, ln. 19-20, "wherein one of the communication interfaces comprises the ATM interface;" in claim 25, p.30, ln. 23-24, "wherein one of the communication interfaces comprises the MPEG interface;" in claim 26, p.30, ln. 27-28, "wherein one of the communication interfaces comprises the utility interface." It is noted that claims 15-19 does not use location phrases, such as "wherein" For example, "wherein at least one of the communication interfaces comprises an analog telephony interface" for claims 15-19.

Moreover, location phrases such as those indicated above, might confuse the subject in the claims between an apparatus and a method. Method claims are claims regarding processes or procedure that is encompassed in an apparatus. Location phrases in a method claims can confuse the subject between a method and an apparatus. For example, claim 20 recites "The method of claim 14 further comprising in a computer interface, converting between a computer format and the ATM format wherein one of the communication interfaces comprises the computer interface." Claim 20 discloses a method, including the method of claim 14, that converts between a computer format and the ATM format in a computer interface. Claim 20 also discloses that that computer interface is one of the communication interfaces, but this truth is not a method nor tells how the location of the computer interface affect the conversion between a computer format and the ATM format in a computer interface. This truth tells the location of the computer interface which belong in the apparatus claims. Therefore, the location phrase "wherein one of the communication interface comprises the computer interface" is misplaced. It is noted that the method claims 14-26 try to reflect

the apparatus claims 1-13 but misplaced location phrases might confuse the subject in the claims.

It is suggested that location phrases are rephrased to incorporate into the method claims 14-26 or the apparatus claims 1-13 or removed for clarity. It should be understood in the apparatus claims 1-13 that the apparatus that encompasses the method has a computer interface, a Java interface, a MPEG interface, and an utility interface, among the communication interfaces.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Per reasons given in para. 4, correction of the following is required: a computer interface, a Java interface, an ATM interface, a MPEG interface, and a utility interface.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-26 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Focsaneanu et al. (U.S. Pat No. 5,610,910).

Regarding claims 1 and 14, Focsaneanu discloses a user communication hub Fig. 7 for providing communication services to an end user at a user location, wherein the user communication hub comprises: a plurality of communication interfaces 202,204,206 (CPE connector) that are operational to communicate with a plurality of

end-user communication devices col. 1, ln. 37 (telephone set, fax machine, a personal computer) that are located at the user location and that use a plurality of communications formats col. 2, ln. 59-col. 4, ln. 8, wherein the communication interfaces are operational to convert between the communications formats, wherein the communication interfaces are operational to convert between the communications formats and an ATM format, wherein at least one of the communication interfaces 202,204,206 (CPE connector) comprises an analog telephony interface that is operational to convert between the analog telephony format Fig. 13 (POTS) and the ATM format Fig. 8,12-15 (Data Network) (See also col. 7, 15-50, "The data switched networks may include, among other networks, . . . an ATM network . . ."); a DSL interface that is coupled to the communications interfaces and a communication system and that is operational to communicate with the communications system using an ATM over DSL format Fig. 15 (Digital Loop).

Regarding claims 2,3,4,15,16,17, Focsaneanu discloses in Fig. 15-17 wherein the analog telephony interface is operational to provide dial tone (see col. 10, ln. 10-15) and power to the telephone and detect on-hook and off-hook conditions (see col. 1, ln. 46-50.), and detect DTMF tones (see col. 10, ln. 10-15).

Regarding claims 5 and 18, providing echo cancellation can be a desired quality of service (QoS) and is inherent in many communication systems today. (See also col. 10, ln. 20-25 and col. 11, ln. 7-16)

Regarding claims 6 and 19, Focsaneanu discloses in Fig. 7-15 wherein the analog telephony interface is operational to forward control information to a service node 200 (service provider) in the communication system.

Regarding claims 7,8,9,20,21,22, Focsaneanu discloses a computer interface 232 (modem) operational to convert between a computer format and the ATM format Fig. 8, 12-15 (Data Network) (See also col. 7, 15-50, "The data switched networks may include, among other networks, . . . an ATM network . . ."), wherein the computer interface comprises an ethernet internet (See also col. 7, 15-50, "The data switched networks may include, among other networks, . . . TCP/IP . . .") and operational to route a communication request col. 7, ln. 39 from a computer to a service node 200 (service provider) in the communication system.

Regarding claims 10,11,12,13,23,24,25,26, a Java interface, an ATM interface, a MPEG interface, and an utility interface are outstanding interfaces in any communication system today. Java is an object-oriented programming language and the characteristic of Java makes it a useful language for programming Web application, according to Microsoft Computer Dictionary, 5th Ed. It is inherent that nowadays, web server such as the one 604 in Fig. 6, will include a Java interface. Moreover, video and net conferencing are inevitable over the Internet given the current state of globalization, so the capability to handle video signals and a MPEG interface are not foreign, and as a matter of fact, very doable. It is only natural to include an utility interface in an accounting element in the performance manager 603 to collect and forward metering

information. The push for broadband, including an ATM interface, is just a consequence of all these information processing.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaplan et al. (U.S. Pat No. 6,141,339), the parent patent, discloses a telecommunications system. It is noted that claims 1-8 of Kaplan are very similar to claims 1-8 and claims 9-16 of the application. Kaplan replaces the words "multiplexers," "ATM" and "ATM switching," with the words asynchronous communication system elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 703-305-8963. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

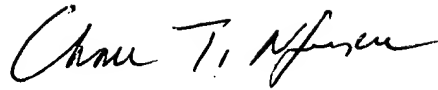
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

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